

Treasury Secretary Timothy Geithner and Federal Reserve Chairman Ben Bernanke did manage to help stabilize financial markets.

But while the number of layoffs is now vastly less than in the first half of 2009, the number of new hires has not increased appreciably. Many more people have been unemployed for longer periods than in previous recessions, and many more have stopped looking for work altogether.

It's hard to avoid the conclusion that the threat of tax increases and increased regulatory burdens have produced something in the nature of a hiring strike.

And then there is the political posturing. On April 13, Barack Obama delivered a ballyhooed speech at George Washington University. The man who conservatives as well as liberal pundits told us was a combination of Edmund Burke and Reinhold Niebuhr was widely expected to present a serious plan to address the budget deficits and entitlement spending.

Instead, the man who can call on talented career professionals at the Office of Management and Budget to produce detailed blueprints gave us something in the nature of a few numbers scrawled on a paper napkin.

The man depicted as pragmatic and free of ideological cant indulged in cheap political rhetoric, accusing Republicans, including House Budget Committee Chairman Paul Ryan, who was in the audience, of pushing old ladies in wheelchairs down the hill and starving autistic children.

The signal was clear. Obama had already ignored his own deficit reduction commission in preparing his annual budget, which was later rejected 97-0 in the Senate. Now he was signaling that the time for governing was over and that he was entering campaign mode 19 months before the November 2012 election.

People took notice, especially those people who decide whether to hire or not. Goldman Sachs' Current Activity Indicator stood at 4.2 percent in March. In April—in the middle of which came Obama's GW speech—it was 1.6 percent. For May, it is 1.0 percent.

"That is a major drop in no time at all," wrote Business Insider's Joe Weisenthal.

After April 13, Obama Democrats went into campaign mode. They staged a poll-driven Senate vote to increase taxes on oil companies.

They launched a Mediscare campaign against Ryan's budget resolution that all but four House Republicans had voted for. That seemed to pay off with a special election victory in the New York 26th congressional district.

The message to job creators was clear. Hire at your own risk. Higher taxes, more burdensome regulation and crony capitalism may be here for some time to come.

One possible upside is that economic bad news may no longer be "unexpected." Another is that voters may figure out what is going on.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, I ask unanimous consent that the cloture

motion with respect to the Verrilli nomination be withdrawn, and at 5:30 p.m. the Senate proceed to vote, without intervening action or debate, on Calendar No. 118, the motion to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order with respect to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session, with the other provisions of the May 26 unanimous consent agreement remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF DONALD B. VERRILLI, JR., TO BE SOLICITOR GENERAL OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

The PRESIDING OFFICER. The time until 5:30 will be equally divided.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I don't believe there is going to be a huge number of people lined up to speak on this nomination, but I will first use part of my reserve time on the Verrilli nomination to speak of another matter within the purview of the Judiciary. So I ask unanimous consent, with the time being charged to my half hour, that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDGE RICHARD LINN

Mr. LEAHY. Mr. President, on the first day of this millennium, January 1, 2000, the newest Federal judge, and the first of the millennium, was sworn in. Richard Linn became a member of the Federal Circuit Court of Appeals at the stroke of midnight, standing in the Federal Circuit's courthouse, with a view of the Washington Monument lit behind him, and the oath being administered by Chief Judge H.R. Mayer.

President Clinton had been told of the hundreds of nominations he would make during his Presidency, one he would never regret would be that of Judge Linn. How true that prediction. Judge Linn has brought dignity, expertise, and judicial excellence that could set the model for all our Federal courts. His calm but brilliant analyses of our most complex intellectual property cases reflect the extensive experience he had before going on the bench.

This experience now benefits all Americans.

My wife Marcelle and I and our children have been privileged to have known Dick and Patti Linn for over a generation, as well as their wonderful daughters, Debbie and Sandy, and all their family. This weekend, their children, son-in-law Erik, and grandchildren, Jaret and Dakota, as well as other members of their family, will gather to unveil a portrait of Judge Linn. I hope that as people visit the Federal Circuit Court of Appeals building or are there on business, that they will pause and look. It will give them a chance to see the face of justice and a man I admire greatly.

Mr. President, I ask unanimous consent that we go back on the matter before us, with the time still being reserved to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the majority leader and the Republican leader for reaching an agreement for the Senate to debate and vote on the nomination of Don Verrilli to be Solicitor General of the United States. By doing so, we were able to vitiate the cloture motion and avoid another unnecessary filibuster. Had agreement not been reached, this would have been the first filibuster in history of a Solicitor General nomination.

Mr. Verrilli is by all accounts one of the finest lawyers in the country, whose extensive experience as an advocate for a wide variety of clients will serve him well as Solicitor General, the top advocate for the United States. In a long and distinguished career, Mr. Verrilli has argued numerous cases before the Supreme Court, Federal appeals courts and State appellate courts. He clerked for Judge J. Skelly Wright on the DC Circuit and for Justice William Brennan on the U.S. Supreme Court. Mr. Verrilli's impressive breadth of experience both in Government and in private practice led the Judiciary Committee to report his nomination by a vote of 17-1 nearly a month ago. Seven of the eight Republican members of the committee joined in supporting Mr. Verrilli's nomination.

The Judiciary Committee heard from many respected lawyers from across the political spectrum in support for Mr. Verrilli's nomination. Eight former Solicitors General from both Republican and Democratic administrations, among them Republicans Charles Fried, Kenneth Starr, Ted Olson, Paul Clement and Gregory Garre, concluded: "Mr. Verrilli is ideally suited to carry out the crucial tasks assigned to the Solicitor General and to maintain the traditions of the Office of the Solicitor General."

More than 50 prominent Supreme Court practitioners urged the Senate to confirm Mr. Verrilli's nomination, including conservatives like Maureen Mahoney, Peter Keisler, and Miguel Estrada. They wrote: